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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,084	09/12/2003	Brian D. Petry	ASTU-007/01US 017622-2016	6604
23419 7590 01/29/2009 COOLEY GODWARD KRONISH LLP ATTN: Patent Group Suite 1100 777 - 6th Street, NW Washington, DC 20001			EXAMINER WANG, LIANG CHE A	
			ART UNIT 2453	PAPER NUMBER
			MAIL DATE 01/29/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/661,084	<b>Applicant(s)</b> PETRY ET AL.	
	<b>Examiner</b> Liangche A. Wang	<b>Art Unit</b> 2453	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 November 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 21-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 35-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. Claims 1-20, 35-38 are presented for examination.
2. Claims 1, 9, and 35 are amended.
3. Claims 21-34 are withdrawn.

***The New Grounds of Rejection***

4. Applicant's amendment and argument with respect to claims 1-20, 35-38 filed on 11/17/08 have been fully considered but they are deemed to be moot in views of the new grounds of rejection.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. Claims 1-20, 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eydelman et al., US Publication Number 2002/0007420, hereinafter Eydelman, in views of Wang et al., US Patent Number 7,039,037, hereinafter Wang.
7. Referring to claim 1, Eydelman teaches a method of flow control implemented by a system disposed to execute a protocol stack and an application (page 1 [0002]), said method comprising the steps of: configuring the protocol stack to operate in a push mode pursuant to which the protocol stack (transport provider) initiates the forwarding, to the

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application, of a first sequence of data packets received by the protocol stack (large receiving mode, page 5 [0047]); and configuring the system to operate in a pull mode pursuant to which the application initiates the forwarding, to the application, of a second sequence of data packets received by the protocol stack (discovery mode, page 3 [0027], [0030], page 5 [0047]).

Eydelman does not explicitly teaches, generating, at the application, a first input notification determinative of an operative mode of the protocol stack; and switching, responsive to the first input notification, the protocol stack from operation in the push mode to operation in a pull mode.

Wang teaches generating, at the application (WAP controller), a first input notification (request) determinative of an operative mode of the protocol stack (requesting a service)(Col 9 lines 15-23); and switching, responsive to the first input notification, the protocol stack from operation in the push mode to operation in a pull mode (Col 9 lines 15-32, the pull mode is initiated by a WAP device requesting a service or information from a server, therefore if the system is currently in a push mode and receives a request from WAP device, the system will switch from the push more to the pull mode in response to the request).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the mode switching technique of Wang in Eydelman because Eydelman discloses a protocol stack operating in both pull and push mode. And Wang suggests having the protocol stack to switch from a push mode to a pull mode in responsive to a service request.

A person with ordinary skill in the art would have been motivated to make the modification to Eydelman because having the WAP controller to switch the WAP traffic from and to pull and push mode would allow flexible controls and management to the network traffic as suggested by Wang.

8. Referring to claim 2, Eydelman teaches the method of claim 1 further including transitioning the system from operation in the push mode to operation in the pull mode in response to a first input notification, wherein the push mode and the pull mode constitute mutually exclusive modes of operation (page 3 [0027]).
9. Referring to claim 3, Eydelman teaches the method of claim 1 further including transitioning the system from operation in the pull mode to operation in the push mode in response to a second input notification (page 3 [0027]).
10. Referring to claim 4, Eydelman teaches the method of claim 2 wherein the first input notification includes a receive sequence number corresponding to a sequence number of a data packet which, upon receipt at the protocol stack, induces the transitioning the system from operation in the push mode (page 3 [0027]).
11. Referring to claim 5, Eydelman teaches the method of claim 3 wherein the second input notification includes a receive sequence number corresponding to a sequence number of a data packet which, upon receipt at the protocol stack, induces the transitioning the system from operation in the pull mode (page 3 [0027]).
12. Referring to claim 6, Eydelman teaches the method of claim 1 further including sending, from the protocol stack to the application, receive data indications containing ones of the

first sequence of data packets when the protocol stack is functioning in an always forward mode invoked during operation of the system in the push mode (page 5 [0047]).

13. Referring to claim 7, Eydelman teaches the method of claim 6 wherein the protocol stack assumes that the first sequence of data packets are consumed upon delivery to the application and frees storage corresponding to the first sequence of data packets upon the sending of the receive data indications (page 6 [0056]).
14. Referring to claim 8, Eydelman teaches the method of claim 7 wherein the protocol stack advertises a new window to a peer entity upon freeing of the storage (page 6 [0056]).
15. Referring to claim 9, Eydelman teaches the method of claim 6 wherein the protocol stack postpones freeing, within memory associated with the protocol stack, storage corresponding to the first sequence of data packets until confirmation is received from the application that the first sequence of data packets has been consumed by the application (page 6 [0056]).
16. Referring to claim 10, Eydelman teaches the method of claim 1 further including utilizing credit-based flow control during operation of the system in the push mode, the credit-based flow control including configuring the application to provide buffer credits to the protocol stack (page 7 [0064]).
17. Referring to claim 11, Eydelman teaches the method of claim 10 wherein the credit-based flow control permits the protocol stack to forward ones of the data packets within the first sequence to the application provided a sufficient number of the buffer credits remain available (page 7 [0064], [0068-78]).

18. Referring to claim 12, Eydelman teaches the method of claim 1 further including sending, from the protocol stack to the application, data available indications when the protocol stack is functioning in an always buffer mode invoked during operation of the system in the pull mode wherein the data available indications are generated at the protocol stack in response to receipt of the data packets within the second sequence (page 3 [0027], page 5 [0047]).
19. Referring to claim 13, Eydelman teaches the method of claim 12 further including forwarding the second sequence of data packets from the protocol stack to the application upon receipt at the protocol stack of a read data request generated by the application (page 3 [0027], page 5 [0047]).
20. Referring to claim 14, Eydelman teaches the of claim 12 wherein the data available indications are generated upon receipt of the data packets within the second sequence without intervention of the application (page 3 [0027], page 5 [0047]).
21. Referring to claim 15, Eydelman teaches the method of claim 12 wherein generation of the data available indications is postponed until receipt at the protocol stack of a read data request generated by the application (page 3 [0027], page 5 [0047]).
22. Referring to claim 16, Eydelman teaches the method of claim 1 further including configuring the protocol stack to withhold acknowledgements which would otherwise be sent to an external peer entity upon receipt of the first sequence of data packets from the peer entity (page 3 [0027], page 5 [0047]).
23. Referring to claim 17, Eydelman teaches the method of claim 1 further including configuring the protocol stack to withhold acknowledgements which would otherwise be

sent to an external peer entity upon receipt of the second sequence of data packets from the peer entity (page 3 [0027], page 5 [0047]).

24. Referring to claim 18, Eydelman teaches the method of claim 16 or 17 further including:

sending an acknowledgement prompt indication event from the protocol stack to the application, and sending the acknowledgements from the protocol stack to the external entity upon receipt at the protocol stack of an acknowledgement prompt confirmation from the application (page 3 [0027], page 5 [0047]).

25. Referring to claim 19, Eydelman teaches the method of claim 1 further including sending

a window available indication from the protocol stack to the application upon receipt at the protocol of an open receive window indication from an external peer entity (page 3 [0027], page 5 [0047]).

26. Referring to claim 20, Eydelman teaches the method of claim 1 further including sending

a room available indication from the protocol stack to the application when sufficient space exists in a send buffer associated with the protocol stack (page 6 [0056]).

27. Referring to claims 35-38, claims 35-38 encompass the same scope of the invention as that of the claims 1-20. Therefore, claims 35-38 are rejected on the same ground as the claims 1-20.

### ***Conclusion***

28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP



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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

29. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liangche A. Wang whose telephone number is (571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
31. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
32. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Liang-che Alex Wang  
January 22, 2009

/Liangche A. Wang/  
Primary Examiner, Art Unit 2453